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RE: Tentative Waste Discharge Requirements General Order For Existing Milk Cow Dairies

The California Dairy Quality Assurance Program (CDQAP) is the most active regulatory-university-industry partnership of its kind and is committed to supporting the Regional Water Quality Control Board (RB-5) in its mission of industry compliance with environmental regulations. In particular we are committed to assisting RB-5 in its implementation of the new Waste Discharge Requirements General Order For Existing Milk Cow Dairies (WDR). Our program is leveraging expertise from our member organizations. We anticipate the WDR outreach to be the single largest educational outreach effort ever in the US relative to dairy water stewardship.

Those of us working with the CDQAP were very grateful for the enthusiasm expressed by RB-5 board members and staff at the recent December Public Workshops for a CDQAP outreach on dairy WDRs. These written comments provide more detail regarding the verbal comments made during the workshops. They relate primarily to areas which we believe may prove to be obstacles in a region-wide, multi-year compliance outreach.

In reviewing the tentative order, a number of regulatory requirement details within the Schedule of Submittal of Reports (Table 1 of the Order) and associated Attachment references have been identified which appear to have the ability of preventing a successful education and outreach program. Our concerns can be broadly divided into two general categories: report submittal timing and the detail of report requirements at various due dates.

Report Submittal Timing

Substantial concern exists regarding the 4-month post-adoption due date of the Existing Conditions Report. This is an extremely tight timeline and may not be achievable given the large number and widespread geographic location of producers impacted by the Order. Experience has shown that the development of a successful education & outreach program must include a minimum set of activities. The list below provides a general

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overview of the activities needed as part of the curriculum development process. In addition to curriculum development, a workshop program to assist producers in meeting a regulatory compliance deadline also includes a parallel process of workshop scheduling, announcing, delivering and on-farm follow-up.

General Curriculum Development Process:

1. identify objectives of specific course/step
2. identify associated background information needed (Q&A, definitions, etc)
3. draft slide presentation for presentation
4. draft materials to for binders
5. send items 3 and 4 out for review
6. revise materials as needed to achieve objectives
7. test materials on producers/consultants to be sure delivered message meets objectives
8. refine materials after testing to be sure objectives are met.
9. prepare for dissemination.

Curriculum development is an iterative process between CDQAP educators, partner representatives, and Regional Board staff. The types of deliverables required in the Existing Conditions Report will require significant curriculum development and workshop planning. In a much smaller outreach program to support compliance with the San Joaquin Valley Air Pollution Control District's Rule 4570 presented in the Fall of 2006 twelve producer meetings and 2 allied industry meetings spanned over 8 counties encompassed six weeks of workshop dates, two months of curriculum planning and three weeks of on-farm follow-up. While the program was carried out in just over a four month timeframe, the target producer audience was 425 producers vs. over 1500 producers and nearly all of the base curriculum materials were provided by District staff. Due to the differences between the Air Curriculum and the upcoming outreach program needed, significantly more time will be needed to carry-out a successful program and specifically to meet the Existing Conditions Report deadline.

Report Detail Level at Various Due Dates

Successful education programs must progress linearly toward the end goal with each new concept building on the foundation of previous concepts and steps much like the construction phases of a new building. Insufficient time between phases or illogically placed activities within a given phase create the potential for failure. With a target audience of over 1500 dairy producers it is critical that the individual step deliverable details be well-planned and understood at the on-start of the project to promote success. Consistent definitions, clear targets and realistic deliverables are key.

An example of an inappropriate level of detail within a submittal due date is the Record Keeping Requirements required as part of the Annual Report due 12 months post Order Adoption. Item VI Record-Keeping Requirements of Attachment C (as listed in Table 1. Schedule for Submittal in the General Order) refers to Technical Standard IX which in-turn refers to Monitoring and Reporting Program NO. 1 (Monitoring Provisions 37.c, 37.d and 37.f). Within the Monitoring Provisions sections 37.c, 37.d and 37.f a list of some 15

detailed activity logs and information sets including documentation on “dates, locations and approximate weight and moisture content, or volume and density, of manure applied to each field” to an “explanation for the basis for determining manure or process wastewater application rates, as provided in the Technical Standards for Nutrient Management established by the Order (Attachment C) is required for *each* land application area as well as a copy of the Discharger’s site-specific NMP and all analyses of manure, process wastewater, irrigation water, soil, plant tissue, discharges (including tailwater discharges), surface water, storm water, and ground water. This level of detail for a 12-month post adoption Annual Report submittal is unrealistic and simply unachievable given our collective resources and state of knowledge. This level of detail would be more appropriate for a 36 month Annual Report. To exacerbate the issue, 4 months of the 12 months of this report timeline will have been spent educating and complying with the 4-month post adoption deadline in developing an “Existing Conditions Report.” The remaining 8 month timeframe between reports does not lend itself to developing the wide range of education materials needed to appropriately educate dairymen on all of the facets needed to comply with the 12 month Annual Report, host an education and outreach program and allow for producer implementation required in the current draft.

Appropriate, clear deliverables for each phase must be established. Interim steps and reports must be suitable for the current phase and build in each sequential step. All stakeholders must understand the requirements. To shorten the learning curve, definitions used within the Order should be consistent with previously established, industry-standard definitions (examples: mature cow and freeboard). The use of information tables with consistent references between the General Order and Appendices and an indexing system for referencing will promote understanding by all stakeholders.

Several additional reporting and timeline obstacles exist within the tentative Order. With additional thought and planning, we are confident we can resolve these problems and deliver a successful educational program. CDQAP is committed to supporting RB-5 in its mission to achieve dairy producer environmental compliance. We look forward to the opportunity to further discuss these issues.

Sincerely,

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